

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

RICHARD GILFUS, JR.,

Petitioner,

vs

9:04-CV-188

JAMES VARGASON,

Respondent.

JOHN GILFUS,

Petitioner,

vs

9:04-CV-189

JAMES VARGASON,

Respondent.

PATRICIA GILFUS,

Petitioner,

vs

9:04-CV-190

JAMES VARGASON,

Respondent.

APPEARANCES:

RICHARD GILFUS, JR.
Petitioner, Pro Se
c/o Patricia Gilfus
1960 Sarr Road
Port Byron, NY 13140

OF COUNSEL:

JOHN GILFUS
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PATRICIA GILFUS
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HON. JAMES B. VARGASON
District Attorney for Cayuga County
Attorney for Respondent
County Courthouse Annex
154 Genesee Street
Auburn, NY 13091

DAVID N. HURD
United States District Judge

CHRISTOPHER T. VALDINA, ESQ.
Assistant District Attorney

DECISION and ORDER

Petitioners, Richard Gilfus, Jr., John Gilfus, and Patricia Gilfus brought identical petitions for writs of habeas corpus pursuant to 28 U.S.C. § 2254 in the above actions.¹ By a report recommendation dated October 19, 2007, the Honorable Randolph F. Treece, United States Magistrate Judge, recommended that each petition in the above respective actions be denied. Petitioners have filed timely objections.

Based upon a de novo determination of the report and recommendation, including the portions to which petitioners have objected, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1); Rule 10, Rules Governing Section 2254 Cases.

Accordingly, it is

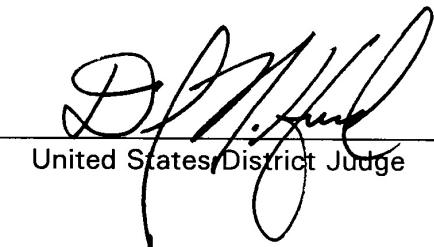
¹ (Gilfus vs Vargason, No. 04-CV-188, Report-Recommendation & Order at n.2 (N.D.N.Y. Oct. 19, 2007) (Docket No. 32).

ORDERED that

1. The petition of Richard Gilfus, Jr., is DENIED and DISMISSED in all respects in Action No. 9:04-CV-188;
2. The petition of John Gilfus is DENIED and DISMISSED in all respects in Action No. 9:04-CV-189;
3. The petition of Patricia Gilfus is DENIED and DISMISSED in all respects in Action No. 9:04-CV-190; and
4. The Clerk is directed to enter judgments accordingly and close the files.

IT IS SO ORDERED.

Dated: January 3, 2008
Utica, New York.



United States District Judge